

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:)	
)	
ANNETTE M. LALL,)	BANKRUPTCY CASE NO.
)	
Debtor.)	18-33087-SGJ-13
-----)	
ANNETTE M. LALL, ET AL.,)	ADVERSARY NO.
)	
Appellants,)	19-03004-SGJ
)	
VS.)	
)	
BANK OF NEW YORK MELLON, ET)	CIVIL ACTION NO.
AL.,)	
)	3:19-CV-1370-G
Appellees.)	

MEMORANDUM OPINION AND ORDER

Before the court is the appellees' motion to dismiss the appeal filed by the appellant, Annette Lall, from the dismissal of her adversary proceeding in the underlying bankruptcy. Appellees' Motion to Dismiss and Brief in Support ("Motion") (docket entry 6). For the reasons stated below, the motion is granted.

Lall filed an amended notice of appeal in the bankruptcy court on May 23, 2019, appealing from that court's order dismissing Lall's adversary proceeding with prejudice. Notice of Transmittal (docket entry 1) at 1, 12. The notice of appeal was

transmitted to this court on June 7, 2019. *See id.* Pursuant to the Federal Rules of Bankruptcy Procedure, Lall was required to “file with the bankruptcy clerk and serve on the appellee[s] a designation of the items to be included in the record on appeal and a statement of the issues to be presented.” Fed. R. Bankr. P. 8009(a)(1)(A). Lall has yet to take these actions, and her deadline to do so was June 21, 2019; more than four months ago. *See* Fed. R. Bankr. P. 8009(a)(1)(B)(i). The appellees filed the instant motion on July 5, 2019, asserting that Lall’s failure to comply with Rule 8009 warrants dismissal. Motion at 3-4. Lall has not responded to the appellees’s motion.

A district court has discretion to dismiss a bankruptcy appeal based on an appellant’s failure to comply with the appellate procedures set forth in the Federal Rules of Bankruptcy Procedure. *See* Fed. R. Bankr. P. 8003(a)(2). The Fifth Circuit has specifically “recognized a district court’s authority to dismiss a bankruptcy appeal for failure to comply with Rule 8009(a)(1).” *In re McDonald*, 327 F. App’x 491, 492 (5th Cir. 2009). Here, the court concludes that Lall’s failure to comply with the requirements of Rule 8009(a)(1)(A) for more than four months warrants dismissal. Accordingly, the appellees’s motion is **GRANTED** and this appeal is **DISMISSED**.

SO ORDERED.

October 31, 2019.



A. JOE FISH
Senior United States District Judge